

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ORAL ARGUMENT REQUESTED

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY (2:20-cv-310-RSL) - 1

1 in Support of Mot. to Dismiss, Dkt. #67 at 7-8; *see also* Pl.’s Opp., Dkt. #65 at 19-20. In denying  
 2 summary judgment to the various states suing to overturn the FDIC’s Interest Rate Authority Rule  
 3 while granting the FDIC’s motion for summary judgment, the Northern District of California court  
 4 recognized that states possessing “concerns about rent-a-bank schemes” were able to assuage such  
 5 concerns by opting out of Section 27 of DIDMCA. *Compare* Ex. A at 10, *with* Defs.’ Reply in  
 6 Support of Mot. to Dismiss, Dkt. #67 at 7 (arguing same and noting Washington has failed to opt-  
 7 out).

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 9 DATED: February 9, 2022.

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 11 /s/ Richard L. Scheff

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24 *Attorneys for Defendants RISE Credit Service of*  
 25 *Texas LLC d/b/a RISE, and Elevate Credit, Inc.*  
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**CERTIFICATE OF SERVICE**

I, Rachael Cullen hereby certify that on the 9<sup>th</sup> day of February 2022, I electronically filed the foregoing *Defendants' Notice of Supplemental Authority* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED: February 9, 2022.

/s/Rachael Y. Cullen

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